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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

IAN WILLIAM HUNTER,

Defendant and Appellant.

C070483

(Super. Ct. No. CM035211)

Defendant Ian William Hunter pleaded no contest to first degree residential burglary (Pen. Code, § 459)¹ and felony vandalism (§ 594, subd. (a)) in an unrelated case. Sentencing defendant in both cases, the trial court imposed a prison term of two years eight months with 84 days of presentence credit (56 actual and 28 conduct). The trial court later amended the award of credits to 218 days, consisting of 116 days' actual and 72 days' conduct credit.

¹ Undesignated statutory references to follow are to the Penal Code.

On appeal, defendant contends he is entitled to additional conduct credits pursuant to the Criminal Justice Realignment Act of 2011 (Realignment Act) (Stats. 2011, ch. 15) as a matter of equal protection under the law.

DISCUSSION

We dispense with the facts of defendant's crime as they are unnecessary to resolve his appeal.

Defendant committed his crime on September 24, 2011. He was sentenced on February 22, 2012.

The trial court calculated defendant's conduct credits under the September 28, 2010, revision of the presentence credit law, which provided that a defendant with a prior serious felony conviction was entitled to two days of conduct credit for every four days of presentence custody. (Former §§ 2933, 4019 (Stats. 2010, ch. 426, § 2).)

The Realignment Act amended the law, entitling defendants to two days of conduct credits for every two days of presentence custody. (§ 4019, subds. (b), (c), (f).) The award of credits is not reduced by a defendant's current or prior conviction for a serious felony. This provision applies prospectively, to defendants serving presentence incarceration for crimes committed on or after October 1, 2011. (§ 4019, subd. (h).)

Defendant argues that the prospective application of the conduct credit provisions of the Realignment Act violates his right to equal protection under the law. This claim was rejected by the California Supreme Court in a case decided after the conclusion of briefing. (*People v. Lara* (2012) 54 Cal.4th 896, 906, fn. 9.) Applying *Lara*, we reject defendant's claim.

DISPOSITION

The judgment is affirmed.

NICHOLSON, J.

We concur:

RAYE, P. J.

BUTZ, J.